

# Private Bill Procedure Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Constitution of Joint Committee on Private Bills.
2. Reference of Scotch and Irish private Bills to Joint Committee and Commission.
3. Proceedings in Parliament on Bills referred to Commission.
4. Continuance of Bill after expiration of session.
5. Constitution, duties, and powers of Private Bill Commissioners.
6. Officers salaries and expenses of Commissioners.
7. Definitions.
8. Commencement of Act.
9. Short title.

### SCHEDULE.

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B I L L

TO

Amend the Procedure with respect to Private Bills in Scotland and Ireland. A.D. 1892.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 **1.**—(1.) There shall be a Standing Joint Committee of the two Houses of Parliament on Private Bills, consisting of the following persons:—

*Constitution of Joint Committee on Private Bills.*

- The Chairman of Committees of the House of Lords;  
The Chairman of Ways and Means in the House of Commons; and  
10 Two members of each House of Parliament appointed at the beginning of each session in manner provided by Standing Orders.  
(2.) The Joint Committee may sit and act notwithstanding the prorogation of Parliament, and may act by a majority of their number, and, subject to Standing Orders, may regulate their own  
15 procedure.

- 2.**—(1.) Except as otherwise provided by Standing Orders, every private Bill which, in the opinion of the Joint Committee on Private Bills relates wholly or mainly to Scotland or Ireland, shall, with all petitions for and against the Bill, be subject to the orders of  
20 that Joint Committee, and—

*Reference of Scotch and Irish private Bills to Joint Committee and Commission.*

- (a) if it is opposed; and  
(b) if it does not, in the opinion of the Joint Committee, raise a question of policy or principle which ought to be determined by Parliament; and  
25 (c) if the requirements of Standing Orders and of the Joint Committee have been complied with or dispensed with in respect of the Bill,  
shall be referred, with all such petitions, to the Private Bill Commissioners (herein-after mentioned) for inquiry and report.

[Bill 242.]

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A.D. 1892.

(2.) The Commissioners shall, with respect to each Bill referred to them, unless the opposition to the Bill is withdrawn, hold by two or more of their number an inquiry in such place or places as, subject to Standing Orders, and to any general instructions of the Joint Committee, may appear to the Commissioners to be most 5 convenient to all persons concerned, and in the course of any such inquiry may delegate to any one Commissioner the power to make an inspection or investigation with respect to any special question raised by the Bill, and to make a provisional report to the Commissioners thereon. 10

(3.) A person shall not be entitled to oppose a Bill before the Commissioners, or any of them, unless he has presented such petition or given such notice as is required by Standing Orders.

(4.) The Commissioners shall report each Bill to the Joint Committee, stating whether the preamble of the Bill is or is not 15 proved, and in the former case whether they have amended the Bill, but shall not report the reasons for their decision.

(5.) The Commissioners shall also report to the Joint Committee the evidence taken on the inquiry.

(6.) The Commissioners shall have the same power of amending 20 the preamble and clauses of a Bill as if they were a Select Committee of either House of Parliament.

Proceedings  
in Parlia-  
ment on  
Bills referred  
to Com-  
mission.

3.—(1.) When the Joint Committee report to either House of Parliament that they have referred a private Bill to the Private Bill Commissioners, then, subject to Standing Orders, the Bill 25 shall be read a first and second time in the House in which it is introduced on question put without debate, and shall not be referred to a Committee, and after the report of the Commissioners on the Bill has been received and considered by the Joint Committee it shall be laid on the table of that House, and there- 30 upon, if the preamble is found to have been proved, the Bill shall be set down for third reading.

(2.) On the motion for the third reading of the Bill the House may, if it thinks fit, order that the Bill be referred back to the Commissioners for further inquiry and report, either with or 35 without any general or special instructions to the Commissioners, and on any such further report the like proceedings shall be taken as on the first report.

(3.) When a Bill referred to the Private Bill Commissioners has been read a third time in the first House of Parliament, the report 40 or reports of the Commissioners shall be laid before the second House, and thereupon, subject to Standing Orders, the like proceedings shall be taken as in the first House.

4. Where a Bill referred to the Private Bill Commissioners has not reached the stage of third reading in the second House of Parliament before the prorogation of Parliament, then, subject to Standing Orders, it may nevertheless be proceeded with before the Commissioners, and shall be resumed in the next session as if that session were a continuance of the previous session, and no new fees shall be charged during the next session in respect of any stage through which it had passed in the previous session, but if it does not become law before the end of the second session it shall be deemed to have been withdrawn.

A.D. 1892.

Continuance  
of Bill after  
expiration of  
session.

5.—(1.) The persons who are for the time being the Railway and Canal Commissioners, together with two Assistant Commissioners for Scotland and Ireland respectively appointed by the Joint Committee on Private Bills shall be Commissioners for the purpose of holding inquiries with respect to Private Bills referred to them by the Joint Committee, and shall in that capacity be styled the Private Bill Commissioners, and references in this Act to a Commissioner shall include an Assistant Commissioner.

Constitution,  
duties, and  
powers  
of Private  
Bill Com-  
missioners.

(2.) If the Joint Committee on Private Bills are of opinion that, on account of the number of inquiries to be held by the Private Bill Commissioners, additional assistance is required, the Joint Committee may appoint additional temporary Private Bill Commissioners, or a judge may be assigned to be an additional temporary ex-officio Commissioner in like manner and under like conditions as a judge may be assigned to be an ex-officio Commissioner under the Railway and Canal Traffic Act, 1888, except that the assignment may be for any period which may be considered expedient.

(3.) An ex-officio Commissioner of the Railway and Canal Commission or a temporary ex-officio Commissioner under this Act shall not be required to attend for the purposes of this Act out of the part of the United Kingdom for which he is nominated.

(4.) Such an ex-officio Commissioner shall preside at every inquiry held by the Commissioners, and his opinion on any question which in the opinion of the Commissioners is a question of law shall prevail.

(5.) The provisions of the Railway and Canal Traffic Act, 1888, set out in the schedule to this Act, shall apply to the Private Bill Commissioners as if the inquiries with respect to private Bills were cases under the Railway and Canal Traffic Act, 1888, except that in those provisions the Joint Committee on Private Bills shall be substituted for the President of the Board of Trade.

51 & 52 Vict.  
c. 25.

A.D. 1892.

(6.) The Private Bill Commissioners shall conform to such instructions as may be given them by Standing Orders or by special order of either House of Parliament.

(7.) The Private Bill Commissioners may sit and act at any time of the year, whether Parliament is then sitting or not, and, subject 5 to the provisions of this Act, may act by any one of their number.

(8.) The Private Bill Commissioners may hear and determine any question of locus standi arising before them.

Officers  
Salaries and  
expenses of  
Commis-  
sioners.

6.—(1.) The Private Bill Commissioners may employ such number of officers, clerks and servants as the Treasury may sanction, 10 and all officers, clerks, and servants attached to the Private Bill Commissioners shall be appointed and may be removed by the Speakers of the two Houses of Parliament acting together.

(2.) There shall be paid to each Assistant Commissioner an annual salary of *fifteen hundred pounds*. 15

(3.) There shall be paid to each temporary Private Bill Commissioner (not being an ex-officio Commissioner), and to all persons appointed or employed under this section, such remuneration as the Treasury may assign.

(4.) All such salaries and remuneration, and all expenses of the 20 Commissioners incurred with the sanction of the Treasury in the execution of this Act, *shall be paid out of money provided by Parliament*.

Definitions.

7. In this Act—

The expression "private Bill" includes any Bill for a Public Act 25 of a local or personal character for which a petition has been presented, whether the Bill has been brought in or not, and a like Bill brought in on motion, and any Bill for confirming a Provisional Order or certificate.

The expression "Standing Orders" means the Standing Orders 30 for the time being of the House of Lords and the House of Commons respectively.

Commence-  
ment of  
Act.

8. This Act shall come into operation *on the expiration of the present session of Parliament*.

Short title.

9. This Act may be cited as the Private Bill Procedure Act, 35 1892.

## SCHEDULE.

A.D. 1892.

### PROVISIONS OF RAILWAY AND CANAL TRAFFIC ACT, 1888, APPLIED.

11 & 22 Vict.  
c. 23.

#### Section 4.

(3.) For the purpose of the attendance of the ex officio Commissioners regulations shall be made from time to time by the Lord Chancellor, the Lord President of the Court of Session, and the Lord Chancellor of Ireland respectively, in communication with the ex officio Commissioners for England, Scotland, or Ireland, as the case may be, as to the arrangements for securing their attendance, as to the times and place of sitting in each case, and otherwise for the convenient and speedy hearing thereof.

#### Section 5.

(5.) Every judge who may with his consent be assigned to hold the office of ex officio Commissioner shall attend to hear any cases before the Commission, which as ex officio Commissioner he is required to hear, when and as soon as the cases are ready to be heard, or as soon thereafter as reasonably may be, and any such judge shall be required to perform any of the other duties of a judge of a superior court only when his attendance on the Commission is not required.

(6.) If and when any judge who may be assigned to hold the office of ex officio Commissioner is temporarily unable to attend, the Lord Chancellor in England, the Lord President of the Court of Session in Scotland, and the Lord Chancellor in Ireland may respectively nominate any judge of a superior court to sit as ex officio Commissioner in place of the judge who is so temporarily unable to attend as aforesaid, and the judge so nominated shall, for the purpose of any case which he may hear, be an ex officio Commissioner.

(7.) If the President of the Board of Trade is satisfied either of the inability of an appointed Commissioner to attend at the hearing of any case, or of there being a vacancy in the office, and in either case of the necessity of a speedy hearing of the case, he may appoint a temporary Commissioner to hear such case, and each Commissioner, for all purposes connected with such case, shall until the final determination thereof, have the same jurisdiction and powers as if he were an appointed Commissioner. A temporary Commissioner shall be paid such sum by the Commissioner so unable to sit, or, if the office be vacant

A.D. 1892. out of the salary of the office, as the President of the Board of Trade may assign.

#### Section 18.

For the purposes of this Act the Commissioners shall \* \* \* as respects the attendance and examination of witnesses, the production and inspection 5 of documents, the enforcement of their orders, the entry on and inspection of property and other matters necessary or proper for the due exercise of their jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights, and privileges as are vested in a superior court: Provided that no person shall be punished for contempt of court, except with 10 the consent of an ex officio Commissioner.

#### Section 19.

The costs of and incidental to every proceeding before the Commissioners shall be in the discretion of the Commissioners, who may order by whom and to whom the same are to be paid, and by whom the same are to be taxed 15 and allowed.

## Private Bill Procedure.

A

## B I L L

To amend the Procedure with respect to Private Bills in Scotland and Ireland.

(Prepared and brought in by  
Mr. Baileys, the Lord Advocate, Mr. Jackson,  
and Mr. Solicitor-General for Scotland.)

Ordered, by The House of Commons, to be Printed,

25 March 1892.

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